

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MICHAEL ROSS,)
)
Plaintiff,) **8:05CV313**
)
vs.)
)
DEFFENBAUGH INDUSTRIES,) **ORDER**
)
)
Defendant.)

Plaintiff has filed a Motion for Leave to Amend Complaint (#24). I note that the deadline for filing motions to amend the pleadings expired on February 1, 2006. Nor does plaintiff's motion comply with the requirements of NECivR 15.1.¹ The motion will be denied without prejudice to plaintiff filing a motion, no later than March 17, 2006, that complies with NECivR 15.1.

This order shall not be construed to preclude any objection that may be raised by the defendant as to the timeliness of plaintiff's request to amend the complaint.

IT IS SO ORDERED.

DATED March 10, 2006

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**

¹NECivR 15.1 provides:

(a) Form and Content. A party who moves for leave to amend a pleading (including a request to add parties) shall file as an attachment to the motion an unsigned copy of the proposed amended pleading. Except as provided in these rules or by leave of court, the proposed amended pleading must be a complete pleading which, if allowed to be filed, supersedes the pleading amended in all respects; no portion of the prior pleading may be incorporated into the proposed amended pleading by reference. The motion for leave to amend shall set forth specifically the amendments proposed to be made to the original pleading, state whether the motion is unopposed, and identify the amendments in the proposed amended pleading.

* * * *

(c) Filing of Amended Pleading. The granting of the motion for leave to amend does not constitute filing of the amended pleading. The party to whom the court grants leave to amend must then file the amended pleading, after leave is given.